

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

ORDER ON MOTION REGARDING *DE MINIMIS* USES

THIS MATTER is before the Special Master on the State of New Mexico, ex rel. State Engineer's (State's) May 5, 1995 Motion for Approval of Procedure and Schedule for Determination of Effect of *De Minimis* Uses (Docket No. 4025). The Special Master finds:

1. On February 17, 1995, I entered the Order Granting a Stay of Adjudication for Certain Rights and Providing for Future Proceedings (No. 3997). This Order granted the State's December 12, 1994 Motion for Order Staying the Adjudication of Certain Water Rights, and ordered the State, after consultation with interested counsel and parties *pro se*, to file by April 28, 1995 a proposed plan for proceeding with the adjudication of non-*de minimis* domestic and livestock uses and producing a hydrologic model to assess the cumulative effect of *de minimis* uses in the basin.

2. The May, 1995 Motion requested that the Court order the State to:

- a. complete preliminary hydrology studies for the Chama basin to coincide with the completion of the hydrographic survey for the first subbasin that did not yet have a hydrographic survey;
- b. complete reports of *de minimis* uses within six months following the completion of each

hydrographic survey for the subbasins that did not yet have hydrographic surveys; and

c. revisit the accounting for and survey of domestic and stock pond uses in the subbasins for which the hydrographic surveys exist.

3. In the July 15, 1996 State of New Mexico's Semiannual Hydrographic Survey Status Report, the State suggested a meeting to frame the issues relating to *de minimis* uses and the scope of the adjudication.

4. By letter to the State dated July 29, 1996, I suggested that the Rio Chama adjudication could become the case in which to frame the relevant issues for the other northern Rio Grande adjudications before the Court at that time, and requested that counsel take the lead in organizing a meeting to discuss the issues.

5. To my knowledge, nothing more occurred.

6. The issues of the definition of *de minimis* uses and whether they should be included within the scope of this adjudication have not yet been addressed.

7. The State should have the opportunity to review its May, 1995 proposed Procedure and Schedule regarding *de minimis* uses, and to report to the Court its position and recommendations for proceeding at this time.

IT IS ORDERED, THEREFORE,

That the State of New Mexico, ex rel. State Engineer, shall review its May 5, 1995 Motion for Approval of Procedure and Schedule for Determination of Effect of *De Minimis* Uses, and no later than December 31, 2003, file a Status Report describing its current position with respect to the issues previously raised, and recommendations and schedules for proceeding.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN